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- I. part 4655.8630, subpart 3;
- J. parts 4655.9030 and 4655.9050; and
- K. parts 4660.3000 and 4660.4500.

MS s 144.653; 144A.10

**4655.9210 TWO HUNDRED FIFTY DOLLAR PENALTY FOR NONCOMPLIANCE.**

A \$250 penalty assessment will be issued under the provisions of Minnesota Statutes, section 144.653, subdivision 6 for noncompliance with correction orders relating to all other parts of these rules not specifically enumerated in parts 4655.9200, 4655.9250, or 4655.9300.

MS s 144.653; 144A.10

**4655.9250 PENALTIES FOR BOARDING CARE HOMES.**

Subpart 1. Application. Subparts 2 and 3 apply to boarding care homes only.

Subp. 2. \$50 penalty assessment. A \$50 penalty assessment will be issued to a boarding care home under the provisions of Minnesota Statutes, section 144.653, subdivision 6 for noncompliance with correction orders relating to the following rules:

- A. part 4638.0200, subpart 2;
- B. part 4655.3600;
- C. part 4655.4100;
- D. part 4655.4110, subpart 2;
- E. part 4655.4120, subpart 3;
- F. part 4655.4150;
- G. part 4655.4170;
- H. part 4655.7000, subpart 2; and
- I. part 4655.8820, subpart 1, item C.

Subp. 3. \$250 penalty assessment. A \$250 penalty assessment will be issued to a boarding care home under the provisions of Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to part 4638.0200, subpart 3.

MS s 144.653

**4655.9300 PENALTIES FOR NURSING HOMES.**

Subpart 1. Application. Subparts 2 to 4 apply to nursing homes only.

Subp. 2. \$50 penalty assessment. A \$50 penalty assessment will be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

- A. part 4638.0200, subpart 2;
- B. part 4655.3600;

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- C. part 4655.4100;
- D. part 4655.4110, subpart 2;
- E. part 4655.4120, subpart 3;
- F. part 4655.4150;
- G. part 4655.4170;
- H. part 4655.7000, subpart 2;
- I. part 4655.7780, subpart 2;
- J. part 4655.8820, subpart 1, item C; and
- K. part 4660.1460, subpart 1, item A.

Subp. 3. \$150 penalty assessment. A \$150 penalty assessment will be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

- A. part 4638.0200, subpart 3;
- B. part 4655.2420, subpart 2, items B to F;
- C. part 4655.2410, subpart 4;
- D. part 4655.3000;
- E. part 4655.4110, subpart 1;
- F. part 4655.4120, subparts 1 and 2;
- G. part 4655.4130, subpart 2;
- H. part 4655.4130, subpart 3;
- I. part 4655.4140;
- J. part 4655.4160;
- K. part 4655.7860;
- L. part 4655.8820, subpart 1, items A and B; and
- M. part 4655.8820, subparts 2 and 3.

Subp. 4. \$250 penalty assessment. A \$250 penalty assessment shall be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

- A. part 4655.2420, subpart 2, item A; and
- B. part 4660.1460, subpart 1, item B.

MS s 144A.10

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4655.9320 FINES FOR UNCORRECTED DEFICIENCIES IN NURSING HOMES.

Subpart 1. Application. The provisions of parts 4655.9320 to 4655.9342 establish the schedule of fines to be assessed against nursing homes for the failure to comply with a correction order. Penalty assessments are issued under the provisions of Minnesota Statutes, section 144A.10, subdivision 6 and will accrue on a daily basis. This part supersedes those provisions contained in parts 4655.9200 to 4655.9300 which establish a schedule of fines applicable to nursing homes. The provisions of parts 4655.9200 to 4655.9300 which establish fines applicable to boarding care homes remain unchanged.

Subp. 2. Statutory authority. Pursuant to the provisions of Minnesota Statutes, section 144A.10, subdivision 6, the commissioner of health shall impose penalty assessments in the amounts specified in parts 4655.9320 to 4655.9342.

MS s 144A.10 subd 6

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4655.9321 PETS.

Penalty assessments for violations of part 4638.0200 are as follows:

- A. part 4638.0200, subpart 2, first sentence, \$50;
  - B. part 4638.0200, subpart 2, second sentence, \$50;
  - C. part 4638.0200, subpart 2, third sentence, \$50;
- and
- D. part 4638.0200, subpart 3, \$100.

MS s 144A.10 subd 6

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4655.9322 GENERAL REQUIREMENTS.

Penalty assessments for violations of parts 4655.0090 to 4655.1060 are as follows:

- A. Part 4655.0100, subpart 8:

(1) A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.0100, subpart 8, item E which states: "...a registered nurse or a licensed practical nurse shall be employed so that on-site nursing coverage is provided eight hours per day, seven days per week during the day shift."

(2) A \$500 penalty assessment shall be issued for a violation of part 4655.0100, subpart 8, item F which states: "Provision shall also be made for a registered nurse to be on call during all hours when a registered nurse is not on duty."

- B. Part 4655.0300, subpart 4, \$50.
- C. Part 4655.0400, subpart 1, \$350.
- D. Part 4655.0400, subpart 2, \$100.
- E. Part 4655.0500, \$100.
- F. Part 4655.0600, \$50.
- G. Part 4655.0700, \$250.

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MS s 144A.10 subd 6

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4655.9323 ADMINISTRATOR; ADMISSIONS.

Penalty assessments for violations of parts 4655.1200 to 4655.1800 are as follows:

A. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.1200, subpart 2 which states: "The licensee shall develop written bylaws and/or policies which shall be available to all members of the governing body and shall assume full legal responsibility for matters under its control, for the quality of care rendered and for compliance with applicable laws and rules of legally authorized agencies."

B. A \$100 penalty assessment shall be issued for a violation of part 4655.1200, subpart 2, item B which states that the responsibilities of the licensee include: "Appointment of a licensed nursing home administrator or a person in charge who shall be responsible for the operation of the home in accordance with law and established policies."

C. A \$50 penalty assessment shall be issued for a violation of part 4655.1200, subpart 2, item C, which states: "The authority to serve as administrator or person in charge shall be delegated in writing."

D. Part 4655.1200, subpart 2, items E to I, \$100.

E. Part 4655.1300, subparts 1 and 2, \$100.

F. Except as noted in item G, a \$100 penalty assessment shall be issued for a violation of part 4655.1300, subparts 3 and 4.

G. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.1300, subpart 4 which states: "The name of the person in charge at the time shall be posted at the main entrance."

H. Part 4655.1400, item A, \$50.

I. Part 4655.1400, item B, \$100.

J. Part 4655.1400, item B, subitems (1) to (3), \$100.

K. Part 4655.1400, item B, subitem (4), \$50.

L. Part 4655.1400, item B, subitem (5), \$100.

M. Part 4655.1400, item B, subitem (6), \$50.

N. Part 4655.1400, item C, \$50.

O. Part 4655.1400, item D, \$50.

P. Part 4655.1400, item E, subitem (1), \$100.

Q. Part 4655.1400, item E, subitems (2) to (4), \$50.

R. Part 4655.1400, item F, \$200.

S. Part 4655.1400, item G, \$100.

T. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.1500, subpart 1, which states: "The administrator, in cooperation with the director of nursing service in a nursing home or the person in charge in a

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boarding care home shall be responsible for exercising discretion in the type of patients or residents admitted to the home in accordance with the admission policies of the home."

U. A \$250 penalty assessment shall be issued for a violation of that portion of part 4655.1500, subpart 2, which states: "Patients or residents shall not be accepted or retained for whom care cannot be provided in keeping with their known physical, mental, or behavioral condition."

V. Part 4655.1600, \$100.

W. Part 4655.1700, \$50.

X. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.1800, subpart 1, which states: "Copies of these licensing regulations shall be made readily available for the use of all personnel of the facility."

Y. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.1800, subpart 2, which states: "All personnel shall be instructed in the requirements of the law and the rules pertaining to their respective duties and such instruction shall be documented. All personnel shall be fully informed of the policies of the home and procedure manuals to guide them in the performance of their duties shall be readily available."

MS s 144A.10 subd 6

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#### 4655.9324 MISCELLANEOUS PROCEDURES.

Penalty assessments for violations of parts 4655.1910 to 4655.2420 are as follows:

A. Except as noted in item B, a \$250 penalty assessment shall be issued for a violation of part 4655.1910, subparts 1 to 3.

B. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.1910, subpart 1, which states: "Visiting hours shall be established as a written policy of the home and shall be posted in plain view of visitors."

C. Part 4655.1910, subpart 4, \$100.

D. Part 4655.1910, subpart 5, \$250.

E. Part 4655.1910, subpart 6, \$250.

F. Part 4655.1910, subpart 7, \$500.

G. Part 4655.1910, subpart 8, \$100.

H. Part 4655.2000, subpart 1, \$100.

I. Part 4655.2000, subpart 2, \$100.

J. Part 4655.2100, \$100.

K. Part 4655.2200, \$100.

L. Part 4655.2300, \$100.

M. Part 4655.2410, subpart 2, \$500.

N. Part 4655.2410, subpart 3, \$300.

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- C. Part 4655.2410, subpart 4, \$350.
- P. Part 4655.2420, subpart 2, item A, \$500.
- Q. Part 4655.2420, subpart 2, item B, \$350.
- R. Part 4655.2420, subpart 2, item C, \$100.
- S. Part 4655.2420, subpart 2, item D, \$300.
- T. Part 4655.2420, subpart 2, item E, \$350.
- U. Part 4655.2420, subpart 2, item F, \$300.

MS s 144A.10 subd 6

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4655.9325 EMPLOYEES.

Penalty assessments for violations of parts 4655.2600 to 4655.3000 are as follows:

- A. part 4655.2600, \$100;
- B. part 4655.2700, \$100;
- C. part 4655.2800, \$50;
- D. part 4655.2900, \$100;
- E. part 4655.3000, subpart 1, \$100;
- F. part 4655.3000, subpart 2, \$100;
- G. part 4655.3000, subpart 3, \$100; and
- H. part 4655.3000, subpart 4, \$50.

MS s 144A.10 subd 6

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4655.9326 RECORDS AND REPORTS.

Penalty assessments for violations of parts 4655.3200 to 4655.4400 are as follows:

A. Except as noted in item B, a \$300 penalty assessment shall be issued for a violation of parts 4655.3200 to 4655.3800 and 4655.4100 to 4655.4200.

B. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.3200, subpart 2, which states: "All entries shall be made with a pen and signed by the person making the entry."

C. Except as noted in item D, a \$100 penalty assessment shall be issued for a violation of part 4655.3300.

D. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.3300, subpart 2, which states: "At the time of discharge or death, this record shall be completed with the date, time, reason for discharge, discharge diagnosis and condition; or date, time, and cause of death. In either case the signature and address of the responsible person to whom released shall be obtained."

- E. Part 4655.3400, \$300.

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F. Except as noted in item G, a \$100 penalty assessment shall be issued for a violation of part 4655.3500.

G. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.3500, subpart 2, which states: "The records of discharged patients or residents shall be promptly completed and filed in the home."

H. Part 4655.3600, \$100.

I. Parts 4655.3700 to 4655.3800, \$50.

J. Except as noted in items K and L, a \$300 penalty assessment shall be issued for a violation of part 4655.3900.

K. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.3900, subpart 3, which states: "A detailed incident report of any accident, injury, or error in drug administration and the action taken shall be completed immediately."

L. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.3900, subpart 4, which states: "All nurses' notes shall be written and signed by the person giving the medication or making the observation."

M. Part 4655.4100, \$50.

N. Part 4655.4110, subpart 1, \$250.

O. Part 4655.4110, subpart 2, \$50.

P. Parts 4655.4120 to 4655.4160, \$100.

Q. Part 4655.4170, \$100.

R. Part 4655.4200, \$50.

S. Part 4655.4300, \$100.

T. Part 4655.4400, \$50.

MS s 144A.10 subd 6

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#### 4655.9327 MEDICAL AND DENTAL SERVICES.

Penalty assessments for violations of parts 4655.4600 to 4655.4900 are as follows:

A. Part 4655.4600, subpart 1, \$300.

B. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.4600, subpart 2, which states: "Each nursing home or boarding care home shall have an agreement with one or more licensed physicians to provide emergency services and to act in an advisory capacity."

C. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.4600, subpart 3, which states: "A schedule, which lists the names, telephone numbers, and call days of the emergency physician(s) shall be posted in each nurses' or attendants' station."

D. Part 4655.4700, subpart 1, \$350.

E. A \$350 penalty assessment shall be issued for a violation of that portion of part 4655.4700, subpart 2, which states: "Each nursing home patient shall be examined by a physician at least every six months and each boarding care home

resident at least annually or more often if indicated by the clinical condition."

F. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.4700, subpart 3, which states: "A progress note shall be recorded in the patient's or resident's record at the time of each examination."

G. Part 4655.4700, subpart 4, \$350.

H. Part 4655.4800, subpart 1, \$350.

I. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.4800, subpart 2, which states: "Nursing homes and boarding care homes shall have a written agreement with a licensed dentist to provide emergency dental care when necessary."

J. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.4800, subpart 3, which states: "The name and address of the emergency dentist shall be posted at each nurses' or attendants' station."

K. Part 4655.4800, subpart 4, \$100.

L. Part 4655.4800, subpart 5, \$350.

M. Part 4655.4800, subpart 6, \$100.

N. Part 4655.4900, subpart 2, \$300.

O. Part 4655.4900, subpart 3, \$300.

MS s 144A.10 subd 6

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#### 4655.9328 STAFFING AND SERVICES.

Penalty assessments for violations of parts 4655.5100 to 4655.6200 are as follows:

A. A \$300 penalty assessment shall be assessed for a violation of that portion of part 4655.5100, subpart 1, which states: "Adequate staff shall be provided to meet the nursing and personal care needs and the maintenance necessary for the well-being of the patients and residents at all times."

B. A \$500 penalty assessment shall be issued for a violation of that portion of part 4655.5100, subpart 2, which states: "There shall be at least one responsible person awake, dressed, and on duty at all times. These persons shall be at least 21 years of age and capable of performing the required duties of evacuating the patients and residents."

C. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.5100, subpart 3, which states: "Each employee and volunteer shall wear a badge which includes name and position."

D. Except as noted in item E, a \$300 penalty assessment shall be issued for a violation of part 4655.5200.

E. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.5200, subparts 6 to 8, which states: "The activities program shall be regularly scheduled at least five days each week with the program posted one week in advance. A sufficient number of personnel shall be assigned to assist with the activities program on a regular basis. Appropriate space, equipment, materials, and storage areas shall be provided. This shall include recreational space

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and activities out-of-doors."

F. Part 4655.5300, \$250.

G. Part 4655.5400, \$300.

H. Part 4655.5600, subpart 2, first paragraph, \$300.

I. Part 4655.5600, subpart 2, second paragraph, \$300.

J. Part 4655.5700, subpart 2, \$300.

K. Part 4655.5700, subpart 3, \$300.

L. Part 4655.5700, subpart 4, \$100.

M. Part 4655.5700, subpart 5, \$300.

N. Part 4655.5800, subpart 2, item A, \$300.

O. Part 4655.5800, subpart 2, item B, \$300.

P. A \$300 penalty assessment shall be issued for that portion of part 4655.5800, subpart 2, item C, which states that the responsibilities of the director of nursing include: "Planning and conducting written orientation programs for new nursing personnel, and continuing in-service education for all nursing home personnel, if there is no one designated who is responsible for all in-service education."

Q. Part 4655.5800, subpart 2, items D to G, \$100.

R. Part 4655.5800, subpart 2, item H, \$300.

S. Part 4655.5800, subpart 2, items I to M, \$100.

T. A \$500 penalty assessment shall be issued for that portion of part 4655.5800, subpart 3, which states: "No nursing personnel shall perform duties for which they have not had proper and sufficient training. Duties assigned to nursing personnel shall be consistent with their training, experience, and licensure."

U. Part 4655.5900, \$350.

V. Part 4655.6000, \$300.

W. Part 4655.6100, \$350.

X. A \$100 penalty assessment shall be issued for a violation of that portion of part 4655.6200, subpart 2, which states: "The nursing home shall provide opportunities for personnel to attend courses in rehabilitation nursing and other educational programs."

Y. A \$350 penalty assessment shall be issued for a violation of that portion of part 4655.6200, subpart 3, which states: "Nursing home personnel shall be trained in nursing skills including demonstrations and practice with supervision as needed and prior to assignment to patient care responsibilities."

MS s 144A.10 subd 6

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#### 4655.9329 CARE OF PATIENTS AND RESIDENTS.

Penalty assessments for violations of parts 4655.6400 to 4655.6800 are as follows:

A. Part 4655.6400, \$350.

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B. Except as noted in item C, a \$100 penalty assessment shall be issued for a violation of part 4655.6500.

C. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.6500, subpart 2, which states: "All attached equipment shall be solidly anchored to avoid accidents."

D. Except as noted in item E, a \$350 penalty assessment shall be issued for a violation of part 4655.6600.

E. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.6600 which states: "A full record of the use of restraints or seclusion shall be maintained in the patient's or resident's medical record."

F. Part 4655.6700, \$350.

G. Part 4655.6800, items A to C, \$350.

H. Part 4655.6800, item D, \$100.

MS s 144A.10 subd 6

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#### 4655.9330 FURNISHINGS AND EQUIPMENT FOR CARE.

Penalty assessments for violations of parts 4655.7000 to 4655.7500 are as follows:

A. Part 4655.7000, subpart 1, items A to F, \$150.

B. Part 4655.7000, subpart 1, item G, \$350.

C. Part 4655.7000, subpart 1, items H and I, \$150.

D. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.7000, subpart 1, item J, which states: "All furnishings and equipment shall be maintained in a usable, safe, and sanitary condition."

E. A \$50 penalty assessment shall be issued for a violation of that portion of part 4655.7000, subpart 1, item J, which states: "All rooms and beds shall be numbered. All beds shall be identified with the name of the patient or resident."

F. Part 4655.7100, \$350.

G. Part 4655.7200, \$200.

H. Part 4655.7300, subpart 1, \$150.

I. Part 4655.7300, subpart 2, \$150.

J. Part 4655.7300, subpart 3, \$150.

K. Part 4655.7300, subpart 4, \$150.

L. A \$200 penalty assessment shall be issued for a violation of that portion of part 4655.7400, subpart 1, which states: "Cabinets and other suitable space shall be provided and identified for the safe storage of equipment and supplies in a sanitary, convenient, and orderly manner. Supplies shall be identified."

M. A \$300 penalty assessment shall be issued for a violation of that portion of part 4655.7400, subpart 2, which states: "Sterile supplies shall be marked with the latest date of sterilization and shall be stored apart from unsterile supplies."

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